

REMARKS

Claims 1-4 and 9-14 are currently pending in the present application, of which Claims 2 and 11 have been amended.

The problems related to Claims 2 and 11 have been corrected. Thus, the claim objections are believed to be overcome.

Rejection under 35 U.S.C. § 103

Claims 1-4 and 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sloane* (US 5,918,211) in view of *Harms et al.* (US 6,070,147). Applicant respectfully traverses such rejection.

Claim 1 (and similarly Claim 10) recites a step of "determining within said host computer whether or not an immediate purchase of a product associated with said scanned product code qualifies said customer for an award based on said located incentive award information" (lines 9-11), and a step of "in a determination that an immediate purchase of a product associated with said scanned product code qualifies said customer for an award, transmitting information related to an opportunity for receiving said award from said host computer to said input device and displaying said information related to said opportunity for receiving said award on said input device" (lines 12-16).

The Examiner agrees that *Sloane* does not teach or suggest the claimed step of "determining within said host computer whether or not an immediate purchase of a product associated with said scanned product code qualifies said customer for an award based on said located incentive award information." However, the Examiner asserts that such step is disclosed by *Harms*, specifically in Figure 8a.

As pointed out by the Examiner on page 3 of the Final Office Action, *Harm* teaches the idea of accruing points by shopping and getting an award at a particular plateau for the loyalty point balance. *Harms* teaches two different awarding criteria, the first criterion being based on

the number of purchases (or points) within a given time-frame (col. 8, lines 31-32 and lines 40-42), and the second criterion being based on the number of visits within a given time-frame (col. 8, lines 48-52). In contrast, according to the claimed invention, the criterion of transmitting information related to an opportunity for receiving an award is based on whether or not "an immediate purchase of a product associated with said scanned product code" has been made. Thus, the claimed invention is distinguished from *Harms* because the award criterion is based on an immediate purchase and not based on an accumulation of purchases (or points) within a relatively long time-frame.

In addition, *Harms* requires that a running total be kept, and a customer will be qualified for an award only after a predetermined point balance has been reached (col. 8, lines 15-17). In contrast, the claimed invention does not require a running total because the award criterion is based on an immediate purchase.

Also, the award criterion of *Harms* is establishment specific. For example, the example in Figure 8a is directed to ABC Grocery Store and not to a specific product. Similarly, the example in Figure 8b is directed to XYZ Fast Food Restaurant and to a specific product. The award criterion of the claimed invention is product specific because it is based on an immediate purchase of "a product associated with said scanned product code."

Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is believed to be overcome.

CONCLUSION

Claims 1-4 and 9-14 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1 and 10 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of this application, please charge it against IBM Deposit Account No. 50-0563.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
DILLON & YUDELL, LLP
8911 N. Cap. of Texas Hwy., suite 2110
Austin, Texas 78720-1720
(512) 343-6116

ATTORNEY FOR APPLICANT